

REMARKS

By this amendment, claims 5-9, 11, 13, 15 and 23-27 remain in the application. Claims 1-4, 10, 12, 14 and 16-22 were previously canceled without prejudice or disclaimer.

Claims 7, 9, 23, 24 and 27 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,589,265 (Palmer et al.). Claims 5, 6, and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Palmer et al., in view of U.S. Patent No. 6,443,972 (Bosma et al.). Claims 8 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al., in view of U.S. Patent App. Pub. No. 2002/0058911 (Gilson et al.). Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al., in view of U.S. Patent No. 7,097,651 (Harrison et al.). Claims 25 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al. in view of U.S. Patent No. 6,241,746 (Bosma '746).

Claim 23 has been amended to recite that each of the spaced apart struts in the deployed configuration forms longitudinally extending linear struts extending substantially parallel to the longitudinal axis of the filter. This feature is not disclosed in the Palmer patent. The Examiner states that in Palmer the plurality of elongated cutouts form "a series of parallel elongated struts 42", referencing column 4, lines 41-44. However, lines 41-44 state, "the intravascular device 20 is formed from a tube 40 that has a plurality of longitudinally extending arms 42 cut into the tube 40. The arms can have varying lengths and widths..." Nowhere in this passage or in the drawings are the struts substantially parallel, and certainly not linear. In each of the embodiments of Palmer, the struts are curved. In Figures 1-10, a spherical, cylindrical or globe-shaped cage is shown and described.

Second, claim 23, as amended, further defines how the struts emanate from the tubular portions. More specifically, claim 23 now recites that the first inwardly bent region transitions into a linear strut region and the linear strut region transitions into a first curved region curving away from the center of the filter. The first curved region extends into an inner portion of the first tubular portion. Claim 23 also recites that the second inwardly bent region transitions into a linear strut region and the linear strut region transitions into a second curved region curving away from the center of the filter. The second curved region extends into an inner portion of the second tubular portion. In Palmer's Figure 5, referenced by the Examiner and labeled in the Office Action, the arms do not extend in such fashion. The arms extend from the outer portions of the nubs 50 and 70 and then curve inwardly, lacking the linear strut regions and additional

curved regions of the struts extending into the inner portions of the tubular portions. The inner portions of claim 23 are defined as closer to the center of the filter.

Third, claim 23 defines the relationship of an imaginary line tangent to the first bent region of the struts and a second imaginary line tangent to the second bent region of the struts. In the marked up drawing in the Office Action of Palmer's Figure 5, the Examiner draws two imaginary lines. However, each line is only tangent to one of the bent regions. The other bent regions are out of axial alignment with and therefore no imaginary line satisfies the recitations of amended claim 23 which refers to the bent region of the struts, i.e., more than one strut. The embodiment of Figure 6 of Palmer also lacks such imaginary lines due to the bent regions not aligned and the alignment of the tubular portion, and further lacks first and second tubular portions, longitudinally extending linear struts substantially parallel to the longitudinal axis, etc.

Consequently, for at least the forgoing reasons, claim 23 is not anticipated by Palmer and withdrawal of the rejection is respectfully requested.

Note claims 5-9, 11, 13, 15 and 24-27 depend from independent claim 23 and are therefore believed patentable for at least the same reasons that claim 23 is believed patentable. Also none of Bosma, Gilson or Harrison satisfies the deficiencies of Palmer. Note dependent claim 27 has been amended to clarify the struts originate from the inner ends of the tubular portion, unlike Figure 5 of Palmer.

Applicants respectfully submit that this application is now in condition for allowance.

No additional fee is believed to be required for this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to Deposit Account No. 50-1567. In the event any extensions of time are required with this Amendment, please treat this paper as a petition for such extension. The Commissioner is hereby authorized charge the required extension fee pursuant to 37 C.F.R. §1.17, to Deposit Account No. 50-1567.

Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Respectfully submitted,

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